

United States District Court, Southern District of New York

LA BARBERA, et al.

Plaintiff

v.

ELITE READY MIX CORP.

Defendant

) Index No.: 08CV3736

) **AFFIDAVIT OF SERVICE**

STATE OF New York: COUNTY OF New York ss:

I, MARVIN COHEN, being duly sworn depose and say deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York. That on MAY 01, 2008 at 3:30 PM at 530 FAILE STREET, BRONX, NY 10474, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on ELITE READY MIX CORP. therein named.

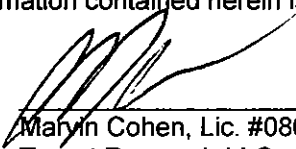
**CORPORATION/BUSINESS:** by delivering thereat a true copy of each to JASON CAWLEY personally, deponent knew said corporation/business so served to be that described in legal papers and knew said individual to be the AUTHORIZED AGENT thereof.

**DESCRIPTION:** Deponent further states that the description of the person actually served is as follows:

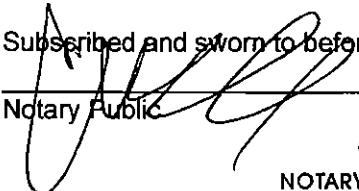
Gender: Male Race/Skin: White Hair: Brown Glasses: No Age: 35 Height: 5'10" Weight: 175

**COMMENTS:** Recipient represented to me that he is authorized to accept service of process on behalf of Elite Ready Mix Corp.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

  
Marvin Cohen, Lic. #0867318  
Target Research LLC  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

Subscribed and sworn to before me, a notary public, on this 5<sup>th</sup> day of May, 2008.

  
Notary Public My Commission Expires: 3/28/09

CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01056124768  
Qualified In New York County  
Commission Expires March 28, 2009